

REMARKS

Claims 1-32 remain pending in the application and stand rejected. The applicant respectfully requests reconsideration and allowance of the application in view of the following remarks.

The applicant notes that the Neumark reference US 6,959,862 is only available as prior art only under § 102(e). The applicant reserves the right if such becomes necessary to swear behind this reference should a subsequent action other than an allowance be issued. However, as the applicant believes the reference is fairly and easily distinguished, he responds as follows.

The Neumark reference teaches an inventory management system. A communication network can scan and communicate with storage space labels (30) attached to and associated with inventory storage spaces. Labels (25) attached to the inventory items contained in the storage spaces communicate with the labels (30). In this manner, the Neumark reference teaches a system that allows for the determination of the type and quantity of items stored at various locations within a larger storage facility via a wireless communication network. There is no discussion whatsoever in Neumark regarding either labels 30 or the labels 25 containing information regarding both the tray or packaging for the inventory item and the inventory item itself, as the examiner correctly notes. Instead, the labels 25 contain only information regarding the inventory item itself, and the labels 30 contain only information regarding the type and quantity of items contained in the storage space as communicated to the labels 30 by the labels 25 or inventory information, e.g., a pictorial representation of the inventory items, communicated to the labels 30 by the centralized inventory management system. The labels 30 do not have information regarding the type, size or even the location in the storage facility where it is located because, as taught by Neumark, the location of the labels 30 is determined by triangulation methods at the centralized inventory management system. As will be noted below, that the Neumark system is highly centralized is an important distinguishing feature and is inconsistent with a system that requires the labels to contain information regarding the tray and the inventory item contained in the tray.

The action points to Ostro as teaching this missing element, i.e., labels that contain information regarding both the tray or packaging containing the inventory item and the inventory item itself. The applicant respectfully disagrees. Ostro teaches a methodology of preparing and distributing meals to passengers of a vehicle such as a train or plane. Once inventory items are loaded to a carrier for delivery to a plane or train, etc., an electronic tag is affixed to the carrier that identifies the carrier. The information is read and stored on a computer system 12 at the distribution center, and the distribution centre is able to record and track food products that leave the center, col. 4, lines 12-21. Tag detectors detect the tags of the carriers being delivered and the tag detections are reported to the computer system 12 at the distribution center for tracking movement of the carriers, col. 4, lines 60-64. This system is similar again to the Neumark system in that information management is centralized. There is no need for the carrier tag to contain information regarding the contents of the carrier as this information is contained within the distribution center computer. It is only important to the Ostro system that the carriers be identified, which allows the central computer to track movement of inventory items.

In contrast, the system of the claimed invention provides for a tag that contains information both about the tray or packaging but also about the inventory, e.g., food item carried by the tray. The tag can uniquely identify the tray itself by a unique property or characteristic of the tray as well as characteristics of the food item to be placed in the food tray, paragraph [0021]. This allows for decentralized management of the tray and food items. For example, the tray can be withdrawn from one food preparation device, e.g., a refrigerator, warming cabinet, etc., and placed into another food preparation device without intervention of a centralized computer system. As provided by way of example in the specification, a first food preparation device may have begun a food preparation process, e.g., warming of food items contained in a tray in a warming cabinet 18a, when the tray is moved from the cabinet 18a and placed into a different warming cabinet 18b. The warming cabinet 18b then completes the warming process. Information about the tray as well as its contents is transferred to the tag by the first warming cabinet 18a, is carried by the tag from the first warming cabinet 18a to the second warming cabinet 18b and is communicated from the tag to the second warming cabinet 18b, paragraph [0033]. Thus, in contrast to the systems of either Neumark or Ostro, the claimed tag requires information both about the tray and the items

contained by the tray. Both of the Neumark and Ostro systems would require each of the warming cabinets to communicate with a centralized computer system to report what trays are being transferred. The centralized system would know the contents of the trays and communicate with the warming cabinets to configure them appropriately. All of this communication overhead is avoided, however, with the system of the claimed invention.

Moreover, as each of the Neumark system and the Ostro system rely on centralized computer architecture, and at no time suggest a decentralized structure, neither can fairly teach or suggest such a decentralized system wherein the tag associated with the tray carries information relating both to the tray and the food item being carried by the tray. Thus, the combination of Neumark and Ostro fails to teach or suggest, and hence fails to establish a *prima facie* case of obviousness against the pending claims.

As such, the applicant submits that claims 1, 13 and 25 are allowable, and such action is request. In addition, be virtue of claims 1, 13 and 25 being allowable, the claims dependent thereon are also allowable, and such action is also requested.

In view of the above remarks, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By /Anthony G. Sitko/

Anthony G. Sitko

Registration No.: 36,278

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant